

~~Punjab Policy~~
Punjab's New Policies for NGOs
taking care of mentally challenged children

135
Annexure R-1

10

GOVERNMENT OF PUNJAB
DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT
(SOCIAL SECURITY BRANCH)
NOTIFICATION

The 6th January, 2014

No.G.S.R.7/C.A.56/2000/S.68/2014-In exercise of the powers conferred by Section 68 of the Juvenile Justice (Care and Protection of Children) Act 2000, Central Act No. (56 of 2000), and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules, namely:-

CHAPTER - I

PRELIMINARY

1. Short title and commencement.-

- (1) These rules may be called the Punjab Juvenile Justice (Care and Protection of Children) Rules, 2014.
- (2) They shall come into force on and with effect from the date of their publication in the Official Gazette.

2. Definition.- In these rules, unless the context otherwise requires,-

- (a) "abandoned" means an unaccompanied and deserted child who is declared as abandoned by the Committee after due inquiry;
- (b) "Act" means the Juvenile Justice (Care and Protection of Children) Act, 2000;
- (c) "best interest of the juvenile or child" means a decision taken in the interest of the juvenile or child to ensure the physical, emotional, intellectual, social and moral development of the juvenile or child;
- (d) "child friendly" means any process, interpretation, attitude, environment and treatment, which is humane, considerate and in the best interest of the child;
- (e) "Children Committee" means a Committee, constituted under rule 52;
- (f) "community service" means a service rendered to the society by juveniles in conflict with law in lieu of other judicial

136

remedies and penalties, which is not degrading and dehumanizing, which may include :-

- (i) cleaning a park;
- (ii) getting involved with Habitat for Humanity;
- (iii) serving the elderly in nursing homes;
- (iv) helping out at local fire or police department;
- (v) helping out at a local hospital or nursing home; and
- (vi) serving disabled children.

(g) "detention in case of juveniles in conflict with law means 'protective custody' in line with the principles of restorative justice;

(h) "Form" means a Form append to these rules;

(i) "individual care plan" means a comprehensive development plan for a juvenile or child, based on age specific and gender specific needs and the case history of the juvenile or child, prepared in consultation with the juvenile or child, in order to restore the juvenile's or child's self-esteem, dignity and self-worth and nurture him into a responsible citizen, and accordingly the plan shall address the following needs of a juvenile or a child, namely:-

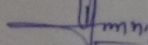
- (i) health needs;
- (ii) emotional and psychological needs;
- (iii) educational and training needs;
- (iv) leisure, creativity and play;
- (v) attachments and relationships;
- (vi) protection from all kinds of abuse, neglect and maltreatment;
- (vii) social mainstreaming; and
- (viii) follow-up post release and restoration;

(j) "institution" means an observation home, or a special home, or a children's home or a shelter home established and maintained and recognized under sections 8, 9, 34 and 37, respectively;

(k) "Management Committee" means a Committee referred to in rule 51;

- (l) "Officer-in-charge" means a person appointed for the control and management of an institution;
 - (m) "orphan" means a child, who is without parents or willing and capable legal or natural guardian;
 - (n) "place of safety" means an institution referred to in sub-section (3) of section 12 and in the para wise to sub-section (1) of section 16 for juveniles in conflict with law or children;
 - (o) "recognized" means an institution or a person, found fit by the competent authority as per provisions of clauses (h) and (i) respectively of section (2) or, recognition of an institution or agency or voluntary organization by the State Government to operate as a children's home, observation home and special home; or a shelter home, specialized adoption agency or after care organization as per the provisions of sub-section (1) of section 37, sub-section (4) of section 41 and clause (a) of section 44 ;
 - (p) "registered" means all institutions, whether State Government run, or those, run by voluntary organizations for children in need of Care and protection, and which have been registered as per the provisions of sub-section (3) of section 34;
 - (q) "Schedule" means the Schedule, appended to these rules;
 - (r) "section" means the section of the Act;
 - (s) "State Government" means the Government of the State of Punjab in the Department of Women and Child Development ;
 - (t) "street and working children" means the children without ostensible means of livelihood, care, protection and support ;
 - (u) "surrendered child" means a child, who in the opinion of the Committee, is relinquished on account of physical, emotional or social factors beyond the control of the parent or guardian; and
 - (v) 'Specialized Adoption Agency' means any Indian social or child welfare agency recognized by the State Government or Central Adoption Resource Authority for placement of children in in-country or inter- country adoption.
- (2) The words and expressions used, in the rules, but not defined therein, and defined in the Act, Shall have the same meaning as assigned to them in the Act.

True Copy
Attested


Deputy Director
Dept. of Social Security & Women and
Child Dev. Punjab, Chandigarh

-138- 13

Annexure R-2

Directorate of Social Security and Women & Child Development, Punjab,
SCO No 102-103, Sector 34-A, Chandigarh.
Tel. No 0172-2608746, Fax 0172-2664533

To

All Deputy Commissioner in Punjab State.

Memo No. ICPS(SS)-2015/19382-404
Dated, Chandigarh 16.7.2015

Subject :- Registration and guidelines for compliance by Child Care Institutions (CCIs)

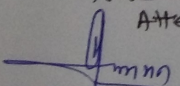
On the subject mentioned above, your attention is hereby invited to **Rule 67 of Punjab Juvenile Justice (Care and Protection of Children) Rules 2014** notified vide Notification No. G.S.R.7/C.A.56/2000/S.68/2014 dated 6th January, 2014 wherein it has been laid down that all **institutions and organizations running institutional or non institutional care services for children in need of care and protection shall get themselves registered under sub section (3) of Section 34 of the Juvenile Justice (Care and Protection of Children) Act, 2000 as amended in 2006.** Copies the relevant provisions of the above mentioned Rules and the Act are attached herewith as **Annexure-A** and **Annexure-B** for your ready reference.

It is also brought to your notice that in addition to the provisions relating to the running of the CCIs contained in the Rules and the Act mentioned above an additional guidelines /checklist has been prepared by this department for compliance by the CCIs Which is attached herewith as **Annexure-C**.

You are hereby requested to ensure that all the Child Care Institutions (CCIs) operating in your district get themselves registered under the above mentioned Act up to 31.12.2015 and that the guidelines mentioned in Annexure-C are also followed in letter and spirit by all CCIs in your district.

Enclosed : As per letter

True copy
Attested


Deputy Director,
Deptt. of Social Security & Women and
Child Dev. Punjab, Chandigarh

Sd/-

Deputy Director (SS-3)
Social Security and Women &
Child Development, Punjab,
Chandigarh.

Endst No ICPS(SS)2015/19405-515 Dated, Chandigarh 16.7.2015

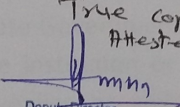
A Copy of above is forwarded to the following for information and necessary action please.

1. All the Superintendent of Police in Punjab State.
2. All the Civil Surgeon in the Punjab State.
3. All the District Programme Officer in the Punjab State.
4. All the District Social Security Officer in the Punjab State.
5. All the District Child Protection Officer in the Punjab State.

Sd/-

Deputy Director (SS-3)
Social Security and Women &
Child Development, Punjab,
Chandigarh.

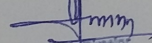
True copy
Attested


Deputy Director,
Deptt. of Social Security & Women and
Child Dev. Punjab, Chandigarh.

1405
Annexure-A

Rule 67. Registrations:- (1) All institutions and organizations running institutional or non-institutional care services for children in need of care and protection, whether run by the Government or voluntary organization, shall get themselves registered under sub-section(3) of section 34.

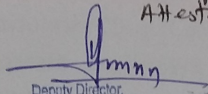
- (2) An institution or organization, as the case may be, shall make an application together with a copy of each of the rules, bye-law, memorandum of association, list of governing body, office bearers, balance sheet of past three years, statement of past record of social or public service provided by the institution or organization, to the State Government, who shall after verifying, the provisions made in the institution or organization for the care and protection of the juveniles or children, for their health, education, boarding and lodging facilities, if any, vocational facilities and scope of rehabilitation, may issue a registration certificate to such organization or institute.

True Copy
Attested

Deputy Director,
Deptt. of Social Security & Women and
Child Dev. Punjab, Chandigarh

Annexure-B

sub section (3) of Section 34 of the Juvenile Justice (Care and Protection of Children) Act, 2000 as amended in 2006- Without prejudice to anything contained in any other law for the time being in force, all institutions, whether State Government run or those run by voluntary organizations for children in need of care and protection shall, within a period of six months from the date of commencement of the Juvenile Justice (Care and Protection of the Children) Amended Act, 2006, be registered under this Act in such manner as may be prescribed.

True copy
Attested


Deputy Director,
Dept. of Social Security & Women and
Child Dev. Punjab, Chandigarh

Annexure-CA. General Checklist for CCI's / Children Homes

1. It is mandatory for the CCI to get registered under section 34(3) of JJ Act.
2. Its mandatory for the CCI to adhere to common minimum standards of services as laid down under JJ Act, 2000.
3. CCTV Cameras be placed at the entrance and exit point of the institution.
4. Visitor book must be maintained at the main gate of the institution/CCI and all the visits duly recorded.
5. Separate movement registers for the staff and inmates be maintained.
6. Entry of unauthorized persons be strictly prohibited.
7. Even during an official visit / inspection, the team must be accompanied by at least one lady official.
8. It is mandatory for each Shelter Home to have a landline telephone, Email address, Complaint box, Phone Nos. of Deputy Commissioner, Senior Superintendent of Police, Sub Divisional Magistrate and District Child Protection Unit prominently and conspicuously displayed at the Reception and an outer wall of Shelter Home as well as in the Front Page of the Visitor Book.
9. Police verification of staff presently engaged / to be engaged in future by NGOs be compulsorily carried out.
10. Photography (Still and Video) of the children and home be strictly prohibited and no interaction with media in any form is to be allowed.
11. Regular Monitoring/Inspection of CCI's by the District Inspection Committee be ensured.
12. Only women staff / women helpers be permitted to work inside the Shelter Home.
13. Nutrition and Diet Scale as prescribed in Rule 40 of Punjab Juvenile Justice (Care and Protection of Children) Rules 2014 be followed.
14. A mental health record of every child be maintained by the institution and regularly monitored by the visiting Medical Officer/ Psychiatrist / Psychologist.
15. Milieu-based interventions, i.e., creating an enabling environment and individual therapy, shall be provided in all institutions.

147-18

18

B. Additional Checklist for the CCIs / Homes for the Mentally Retarded Children

1. CCTV Cameras to be installed in the passages, corridors, verandas, outside the rooms & strategic locations of the institution in addition to the entry and exit points.
2. Biometric equipments to be installed on the entry points of the premises of the institution.
3. The officer in charge/ warden/security personnel/ and the supporting staff like sweepers, attendants and mess staff should preferably be female or a person staying along with his family on the campus. Police verification of all the staff be got done before their employment.
4. Regular monthly medical examination of inmates by Medical Officer to be deputed by the Civil Surgeon of the concerned district and maintenance of monthly medical record. During medical examination, if the Medical Officer reports possibility of the case to be that of mental or physical abuse, he/she should refer the case along with the report to the District Level Committee. The District Level Committee will thereafter enquire into the matter at its own level in the manner it deems fit and send its report with recommendations to the Deputy Commissioner for appropriate further action. The report of District Level Committee will also be placed before the concerned Director, Social Security and Women & Child Development, Punjab who will scrutinize these reports for further appropriate action.
5. The District Level Committee has already been notified vide notification No. 4/3/2014-1AA/221948/1 dated 16/5/2014 by the Govt. of Punjab and has the following members:-
 - I) Deputy Commissioner- Chairperson
 - II) Member of the Child Welfare Committee-Member
 - III) Member of the Juvenile Justice Board- Member
 - IV) District Child Welfare Officer- Member
 - V) Counselor (District Child Protection Society)-Member
 - VI) District Child Protection Officer – Member Secretary.
6. Quarterly interaction by the District Level Committee with the inmates to know about the physical or mental abuse problems which should be conducted separately in a room where no official of the institute concerned will be present and if the committee finds any case to be that of mental or physical abuse, it will enquire into the matter and after enquiry will send its report with recommendations to the Deputy Commissioner. The District Level

Committee may associate any expert required for the interaction as it may deem fit.

7. The entire record of the monthly meetings/quarterly interaction by the District Level Committee is to be maintained by the concerned District Programme Officer.
8. Regular guidance/education of the inmates qua physical and mental abuse by a psychologist to be arranged by the institute/deputed by the Government.
9. Regular Monitoring of CCTV Camera Recordings, Biometric equipments, Visitors Registers and other relevant record would be done by the District Level Committee or any sub-committee constitute/authorized for the purpose.
10. Deputy Commissioner would hold Quarterly review meeting to ensure implementation of these guidelines in the district.
11. District Programme Officer and District Child Protection Officer must visit the institutions operating in the district at least once in a month.

C. Child Centric Instructions

- Individual profile/file of each child to be maintained which should include photograph, place, address of origin, date of entry to CCI as well as health profile.
- Regular counseling of each child must be ensured and a record of the same be maintained.
- Pre-school non formal education to the children below 6 years of age, formal education to the children above 6 years of age and appropriate Special education for the mentally retarded children be ensured.
- No Child should be shifted or enrolled in Home without the approval of Child Welfare Committee(CWC).
- District Administration should immediately be informed on entry of any new inmate/s and staff.
- Appropriate vocational training should be provided to the older children.
- Individual Health cards & regular checkups by Govt. / Health Department Doctors / Psychiatrists and the prescribed treatment be ensured.
- HIV children should be referred to the appropriate health facility for regular therapy and treatment.

True copy
Attested

[Signature]
Director,
of Social Security & Women and
Dev. Punjab, Chandigarh